

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

In the matter of:

City of Bell Gardens, City of
Beverly Hills, City of
El Monte, City of Huntington
Park, City of La Puente, City
Norwalk, City of Paramount,
City of San Marino, City of
Sierra Madre and City of
South El Monte,

RESPONDENTS

U.S. EPA Docket
No. 92-18

Proceeding under Section 122(g)(4)
of the Comprehensive Environmental
Response, Compensation, and Liability
Act of 1980, as amended,
42 U.S.C. § 9622(g)(4)

ADMINISTRATIVE ORDER ON CONSENT

I. JURISDICTION

A. This Administrative Order on Consent ("Consent Order") is issued pursuant to the authority vested in the President of the United States by Section 122(g)(4) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), as amended, to reach settlements in actions under Section 106 or 107(a) of CERCLA, 42 U.S.C. §§ 9606 or 9607(a). The authority vested in the President has been delegated to the Administrator of the United States Environmental Protection Agency ("EPA") by Executive Order 12580, 52 FR 2923 (Jan. 29,

Administrative Order on Consent
U.S. EPA Docket No. 92-18

1987) and further delegated to the Regional Administrator of the EPA by EPA Delegation No. 14-14-E (Sept. 13, 1987).

B. This Consent Order is issued to the City of Bell Gardens, the City of Beverly Hills, the City of El Monte, the City of Huntington Park, the City of La Puente, the City of Norwalk, the City of Paramount, the City of San Marino, the City of Sierra Madre and the City of South El Monte ("Respondents"). EPA alleges, based on the Certification provided by each Respondent and attached as Exhibit A, that each of these "persons," as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21), contributed municipal solid waste (MSW) which may contain hazardous substances to the Operating Industries, Inc. (OII) Superfund site, located in Monterey Park, California.

C. Each Respondent agrees to undertake all actions required by the terms and conditions of this Consent Order. Each Respondent further consents to and will not contest EPA's jurisdiction to issue this Consent Order or to implement or enforce its terms.

II. STATEMENT OF PURPOSE

By entering into this Consent Order, the purpose of the Parties is to effect a final settlement between EPA and Respondents which allows these de minimis entities to settle

their potential liability for Response Costs relating to the OII site, except as reserved in Section VII.C., (Reservation of Rights), thereby avoiding difficult, prolonged and complicated litigation among EPA and the Respondents.

III. PARTIES BOUND

This Consent Order shall apply to and be binding upon Respondents and EPA, their agents, successors and assignees. No change in status or political configuration shall alter Respondents' obligations under this Consent Order. The signatories to this Consent Order certify that they are authorized to execute and legally bind the parties they represent to this Order.

IV. DEFINITIONS

Unless otherwise expressly provided, terms used in this Consent Order which are defined in CERCLA or in regulations promulgated under CERCLA shall have the meaning assigned to them therein. Whenever terms listed below are used in this Consent Order or its Exhibits, the following definitions shall apply:

A. "CERCLA" shall mean the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq.

B. "EPA" shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.

C. "Municipal solid waste" or "MSW" shall mean solid waste generated primarily from households but may include some contribution of wastes from commercial, institutional and industrial sources as well. As defined under RCRA, MSW contains only those wastes which are not required to be managed as hazardous wastes under Subtitle C of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act (RCRA), (e.g., non-hazardous substances, household hazardous wastes, or small quantity generator wastes).

D. "OII Site" or "Site" shall mean the "facility," as that term is defined at Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and shall mean the landfill located at 900 Potrero Grande Drive in Monterey Park, California.

E. "Parties" means the United States Environmental Protection Agency and the Respondents.

F. "Respondents" shall mean those parties other than the United States Environmental Protection Agency who sign this Consent Order.

G. "Response Costs" means any past, present and future costs not inconsistent with the National Contingency Plan, pursuant to 42 U.S.C. § 9601, et seq. incurred at or in connection with the Site.

V. STATEMENT OF FACTS

A. The Operating Industries, Inc. landfill is a 190-acre facility located at 900 Potrero Grande Drive, Monterey Park, California. The Site operated from 1948 to 1984, and over the course of its operation, accepted industrial solid, liquid and hazardous wastes and municipal solid waste.

B. The Site is located on the southwestern flank of the La Merced hills (also called the Montebello hills), and is divided by California Highway 60 (Pomona Freeway), which runs roughly east-west through the site, dividing it into a 45-acre North Parcel and a 145-acre South Parcel. The top of the South Parcel of the landfill is about 225 feet above the ground surface and the bottom of the landfill is approximately 200 feet below the ground surface. Elevation of the upper surface of the South Parcel is about 620-640 feet above mean sea level. Several slopes of the landfill are very steep. Numerous residences are located immediately adjacent to the boundaries of the landfill, as are a number of small businesses. Approximately 53,000 homes are near the site.

C. It is estimated that currently there may be over 30 million tons of waste in the landfill. The landfill contains a variety of waste types, including commercial and municipal solid wastes, and industrial solid and liquid waste.

D. The Site was proposed for inclusion on the National Priorities List (NPL) in October 1984, and was placed on the NPL in May 1986, in accordance with Section 105(a)(8) of CERCLA, 42 U.S.C. § 9605(a)(8).

E. The contaminants found at the site include hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

F. There have been releases of hazardous substances from the Site and the Site poses numerous threats to human health and the environment.

G. As a result of the release or threatened release of hazardous substances into the environment, EPA has undertaken response action at the Site under Section 104 of CERCLA, 42 U.S.C. § 9604, and will undertake response action in the future.

H. EPA has identified three operable units to date: Site Control and Monitoring (SCM); Leachate Management (LM); and Gas

Migration Control and Landfill Cover (Gas). The first two operable units (SCM and LM) were the subject of two earlier partial Consent Decrees, both captioned United States et al. v. Chevron Chemical Company, et al., No. CV 88 7196(MRP)Kx. The First Decree was entered by the Court on May 11, 1989 and the Second Decree was entered by the Court on September 17, 1991. The Third Decree, captioned United States et al. v. Chevron Chemical Company, et al., No. CV 91-6520-MRP(Kx), addresses a portion of the third operable unit (Gas) and was entered by the Court on March 30, 1992.

I. In responding to the conditions at the Site, EPA has incurred and will continue to incur response costs at or in connection with the Site. The value of the costs recovered to December 31, 1990 and of the work being performed under the first three Decrees is approximately \$205 million.

J. In addition, EPA is currently performing the Remedial Investigation/Feasibility Study ("RI/FS") at the Site. EPA began the RI/FS in 1984. When the RI/FS is completed, it will result in the selection, design and implementation of a final remedy for the Site.

K. Respondents are defendants in an action brought for contribution by certain signatories to the First Decree for the

costs they are incurring in performance of their obligations under that Decree. This action is captioned Transportation Leasing Company, et al. v. The State of California (Caltrans) et al., United States District Court, Central Dist. of Cal., Case No. 89 7368 WMB (GHKx).

L. Based on the extensive discovery taken in the Transportation Leasing action, a waste allocation has been developed for the volume of municipal solid waste originating within the jurisdictions of the several defendants in that action, including the Respondents. This allocation has attributed approximately 7 million tons of municipal solid waste among 31 entities.

M. This allocation indicates that the volumes of MSW set forth below were generated within the jurisdiction of the Respondents and were deposited at the OII site:

City of El Monte	66,484 tons
City of Sierra Madre	39,967 tons
City of South El Monte	29,084 tons
City of Paramount	17,836 tons
City of Bell Gardens	18,829 tons
City of San Marino	17,232 tons
City of Huntington Park	13,080 tons
City of Norwalk	9,738 tons

City of Beverly Hills	2,665 tons
City of La Puente	2,100 tons

N. This discovery also indicates that the municipal solid waste originating within the jurisdiction of each Respondent was no more toxic than that sent by any other municipal entity to the Site or than that sent by any party that has been issued a notice letter by EPA to date.

O. Information currently known to the EPA, as further set forth in the Certification attached at Exhibit A hereto, indicates that each Respondent either contracted with a transporter or issued business licenses or permits to a transporter for the collection and disposal of MSW generated within each Respondent's city limits. Further, such information indicates that some of the MSW collected under these contracts, business licenses or permits was deposited at the OII site and may have contained hazardous substances.

P. Information currently known to the EPA indicates that the toxic or other hazardous effects of the municipal solid waste originating within the jurisdiction of each Respondent and deposited at the Site does not contribute disproportionately to the cumulative toxic or other hazardous effects of the hazardous substances at the Site.

Q. In evaluating the settlement embodied in this Consent Order, EPA has considered the potential costs of remediating contamination at or in connection with the Site taking into account the cost of completing the remedial actions for the first three operable units, including any potential cost overruns, and the future costs of any additional remedial action, including final remedy.

R. Payments required to be made by each Respondent pursuant to this Consent Order are a minor portion of the response costs at the Site. The payments required by Respondents range from \$ 3,860.00 to \$ 116,956.00. An estimate of the total response costs to date is set forth in paragraph V.I., above. The response costs will exceed the \$205 million estimated costs and work under the first three Consent Decrees. EPA estimates that the RI/FS will be completed and a Record of Decision (ROD) selecting a final remedy will be issued in late 1993. The nature, scope, and cost of the final remedy will not be known until after the RI/FS is complete and the ROD is issued.

VI. DETERMINATIONS

Based upon the Findings of Fact set forth above and on the administrative record for this Site, EPA has determined that:

A. The OII Site is a "facility" as that term is defined in

Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

B. Each Respondent is a "person" as that term is defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

C. Each Respondent is a potentially responsible party within the meaning of Sections 107(a) and 122(g)(1) of CERCLA, 42 U.S.C. §§ 9607(a) and 9622(g)(1), based on the Certification referred to above.

D. The past, present, or future migration of hazardous substances from the Site constitute an actual and threatened "release" as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

E. Hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), are present at the Site and such hazardous substances have been or are threatened to be released into the environment from the Site.

F. Prompt settlement with the Respondents is practicable and in the public interest within the meaning of Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

G. This Consent Order involves only a minor portion of the

response costs at the Site with respect to each Respondent pursuant to Section 122(g)(1) of CERCLA, 42 U.S.C. § 9622(g)(1).

H. The amount of municipal solid waste which may contain hazardous substances contributed to the Site by each Respondent and the toxic or other hazardous effects of the municipal solid waste contributed to the Site by each Respondent are minimal in comparison to other hazardous substances at the Site pursuant to Section 122(g)(1)(A) of CERCLA, 42 U.S.C. § 9622(g)(1)(A), based on the Certification referred to above.

VII. ORDER

Based upon the administrative record for this Site and the Findings of Fact and Determinations set forth above, and in consideration of the promises and covenants set forth herein, it is hereby agreed to and ordered:

A. Payment

1. Each Respondent shall pay the amount set forth below in the time period and manner specified by paragraph 2 this section.

a. The City of Bell Gardens shall pay \$ 32,424 dollars within thirty (30) days of the effective date of this Consent Order.

b. The City of Beverly Hills shall pay \$ 5,306.00 dollars within thirty (30) days of the effective date of this Consent Order.

c. The City of El Monte shall pay \$ 116,956.00 dollars within thirty (30) days of the effective date of this Consent Order.

d. The City of Huntington Park shall pay \$ 23,544.50 dollars within thirty (30) days of the effective date of this Consent Order.

e. The City of La Puente shall pay \$ 3,860.00 dollars within thirty (30) days of the effective date of this Consent Order.

f. The City of Norwalk shall pay \$ 17,563.00 dollars within thirty (30) days of the effective date of this Consent Order.

g. The City of Paramount shall pay \$ 32,424.00 dollars within thirty (30) days of the effective date of this Consent Order.

h. The City of San Marino shall pay \$ 31,265.50 dollars within thirty (30) days of the effective date of this Consent Order.

i. The City of Sierra Madre shall pay \$ 72,180.50 dollars within thirty (30) days of the effective date of this Consent Order.

j. The City of South El Monte shall pay

\$ 46,900.00 dollars within thirty (30) days of the effective date of this Consent Order.

2. Payments shall be made by certified or cashier's check made payable to: "OII Third Partial Consent Decree Cash Escrow Account, Account No. WW219." The check shall reference the OII site and the docket number of this action, and be sent to:

Bankers Trust Company
Corporate Trust & Agency Group
4 Albany Street, 7th Floor
New York, NY 10006
Attention: Jeffrey Cohen V.P.

A copy of the check and all transmittal letters shall be sent to:

OII Project Coordinator
Superfund Enforcement Section (H-7-1)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

-and-

Assistant Regional Counsel - OII Site
Office of Regional Counsel (RC-3-1)
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

3. Stipulated Penalties

a. Any late or inadequate payment under this Consent Order shall be assessed interest from the date upon which such payment was due at the rate established by the Department of the Treasury under 31 U.S.C. § 3717 and 4 C.F.R. § 102.13.

b. In addition to any other remedy or sanction

available to EPA, any Respondent who fails or refuses to comply with any term or condition of this Consent Order shall be subject to a civil penalty of up to \$25,000 per day of such failure or refusal, pursuant to Section 122(1) of CERCLA, 42 U.S.C. § 9622(1).

B. Covenant Not to Sue

Subject to the reservations of rights in Section VII.C. of this Consent Order, upon payment of the amount specified in Section VII, Paragraph 1, of this Consent Order, EPA covenants not to sue or take any other civil or administrative action against each such Respondent for any and all civil liability for reimbursement of response costs or for injunctive relief pursuant to Sections 106 or 107(a) of CERCLA, 42 U.S.C. §§ 9606 or 9607(a), or Section 7003 of RCRA, 42 U.S.C. § 6973, with regard to the Operating Industries, Inc. Site.

C. Reservation of rights

1. Nothing in this Consent Order is intended to be nor shall it be construed as a release or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the United States, including EPA, may have against any of the Respondents for:

a. claims based on a failure by a Respondent to

meet the requirements of this Consent Order;

b. damages for injury to or loss or destruction of natural resources;

c. claims arising from the disposal of waste material at the Site as attributable to liquid waste manifests, including but not limited to the City of Beverly Hills and the City of Paramount;

d. claims arising from criminal liability; or

e. any matters not expressly addressed in this Consent Order.

2. Respondents agree not to:

a. assert any claims or causes of action against the United States or the Hazardous Substance Superfund relative to any payment made pursuant to this Consent Order; or

b. seek any other costs, damages or attorney's fees from the United States arising out of response activities at the Site.

3. Except as otherwise expressly indicated, nothing in this Consent Order is intended to be a release or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Parties, including EPA, may have against any person, firm, corporation or other entity that is not a signatory to this Consent Order.

4. In the event that information not currently known

to EPA is discovered which indicates that any of the Respondents:

a. contributed waste materials other than municipal solid waste and that material contains hazardous substances; or

b. contributed municipal solid waste which may contain hazardous substances in such greater amount or of greater toxic or other hazardous effect that the Respondent no longer qualifies as a de minimis party because such Respondent contributed disproportionately to the cumulative toxic or other hazardous effects of the hazardous substances at the Site as compared to other contributors of waste materials to the Site;

then the covenant not to sue in Section VII.B above, shall be null and void as to that particular Respondent, and EPA may seek and obtain further relief from such Respondent. Where this paragraph operates to disqualify a Respondent from the benefits to be otherwise derived by it under this Consent Order, any payments made by such Respondent hereunder shall be credited toward any amount ultimately adjudged or determined to be owing by such Respondent.

D. Denial of Liability

EPA and the Respondents agree that payments made by the Respondents in accordance with this Consent Order do not constitute an admission of any liability by any Respondent. The Respondents do not admit, and retain the right to controvert in

any subsequent proceedings, other than proceedings to implement or enforce this Consent Order, the validity of the Statement of Facts, the Certifications or the Determinations contained in this Consent Order. No portion of this Consent Order can be used for any purpose against any of the non-settling defendant municipalities in the action entitled Transportation Leasing Company, et al. v. State of California (Caltrans), et al., United States District Court, Central Dist. of Cal., Case No. 89-7368 WMB (GHKx).

E. Contribution Protection

With regard to claims for contribution against Respondents for matters addressed in this Consent Order, the Parties agree that each Respondent is entitled, upon EPA's receipt of its payment pursuant to Section VII.A., to such protection from contribution actions or claims as is provided in Sections 113(f)(2) and 122(g)(5), 42 U.S.C. §§ 9613(f)(2) and 9622(g)(5).

F. Public Comment

This Consent Order shall be subject to a thirty day public comment period following publication of notice of this Consent Order in the Federal Register pursuant to Section 122(i) of CERCLA, 42 U.S.C. § 122(i). In accordance with Section 122(i)(3) of CERCLA, 42 U.S.C. § 122(i)(3), EPA may modify or withdraw its

consent to this Consent Order if comments received during the public comment period disclose facts or considerations which indicate that this Consent Order is inappropriate, improper or inadequate.

G. Approval of the Attorney General

The Attorney General or his designee has issued prior written approval of the settlement embodied in this Consent Order in accordance with Section 122(g)(4) of CERCLA, 42 U.S.C. § 9622(g)(4). A copy of that approval is attached hereto as Exhibit B and incorporated herein by reference.

H. Effective Date

The effective date of this Consent Order shall be the date upon which EPA issues written notice to the Respondents that the public comment referred to in Section VII.F, of this Consent Order has closed and that the comments received, if any, do not require modification of, or EPA withdrawal from, this Consent Order.

IT IS SO ORDERED AND AGREED.

United States Environmental Protection Agency
Region IX

BY:

Keith Takahashi

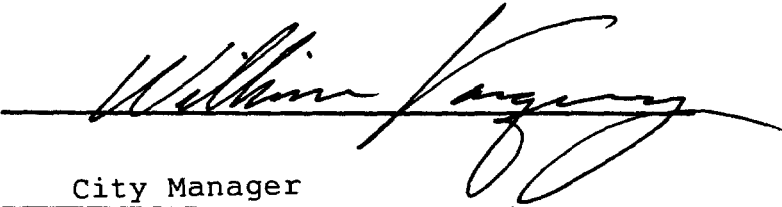
for Jeff Zelikson, Chief
Hazardous Waste Division

DATED:

September 17, 1992

CONSENT AND AUTHORIZATION

The City of Bell Gardens, by the duly
[name of municipality]
authorized representative named, titled and signed below,
hereby consents to this Administrative Order on Consent and
agrees to be bound by the terms and conditions thereof.

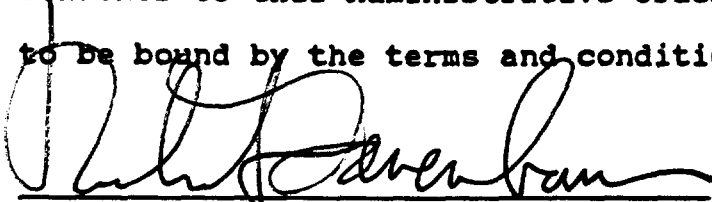
BY: 
TITLE: City Manager

DATED: August 4, 1992, 1992

CONSENT AND AUTHORIZATION

The City of Beverly Hills, by the duly
[name of municipality]
authorized representative named, titled and signed below,
hereby consents to this Administrative Order on Consent and
agrees to be bound by the terms and conditions thereof.

BY:



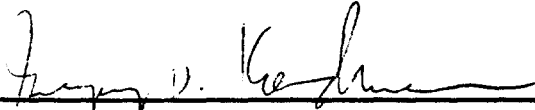
Robert K. Tanenbaum

TITLE: Mayor

DATED: July 14, 1992, 1992

CONSENT AND AUTHORIZATION

The City of El Monte, by the duly
[name of municipality]
authorized representative named, titled and signed below,
hereby consents to this Administrative Order on Consent and
agrees to be bound by the terms and conditions thereof.

BY: 
Gregory D. Korduner
TITLE: CITY ADMINISTRATOR

DATED: July 30,, 1992

CONSENT AND AUTHORIZATION

The City of Huntington Park, by the duly
[name of municipality]
authorized representative named, titled and signed below,
hereby consents to this Administrative Order on Consent and
agrees to be bound by the terms and conditions thereof.

BY: Steven N. Stolnik

TITLE: City Attorney

DATED: July 10, 1992

CONSENT AND AUTHORIZATION

The City of La Puente, by the duly
[name of municipality]
authorized representative named, titled and signed below,
hereby consents to this Administrative Order on Consent and
agrees to be bound by the terms and conditions thereof.

BY: 

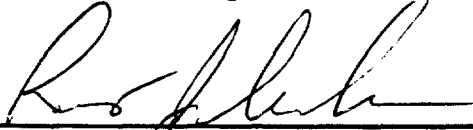
TITLE: Mayor

DATED: July 20, 1992, 1992

CONSENT AND AUTHORIZATION

The City of Norwalk, by the duly
[name of municipality]
authorized representative named, titled and signed below,
hereby consents to this Administrative Order on Consent and
agrees to be bound by the terms and conditions thereof.

BY:

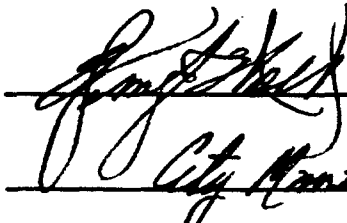

Robert J. Arthur

TITLE: Mayor

DATED: July 8, 1992

CONSENT AND AUTHORIZATION

The City of Paramount, by the duly
[name of municipality]
authorized representative named, titled and signed below,
hereby consents to this Administrative Order on Consent and
agrees to be bound by the terms and conditions thereof.

BY: 
TITLE: City Manager
DATED: July 7, 1992

CONSENT AND AUTHORIZATION

The City of San Marino, by the duly
[name of municipality]
authorized representative named, titled and signed below,
hereby consents to this Administrative Order on Consent and
agrees to be bound by the terms and conditions thereof.


BY: Kirk R. Liel

TITLE: CITY MANAGER

DATED: JULY 13,, 1992

CONSENT AND AUTHORIZATION

The City of Sierra Madre, by the duly
[name of municipality]
authorized representative named, titled and signed below,
hereby consents to this Administrative Order on Consent and
agrees to be bound by the terms and conditions thereof.

BY: 
James E. McRea

TITLE: City Administrator

DATED: July 22,, 1992

CONSENT AND AUTHORIZATION

The City of South El Monte, by the duly
[name of municipality]
authorized representative named, titled and signed below,
hereby consents to this Administrative Order on Consent and
agrees to be bound by the terms and conditions thereof.

BY: 

TITLE: Mayor

DATED: July 9, 1992

EXHIBIT A

**CERTIFICATION TO THE U.S. EPA
REGARDING THE OPERATING INDUSTRIES, INC. SITE SETTLEMENT
ADMINISTRATIVE ORDER ON CONSENT: US EPA DOCKET NO. 92-18**

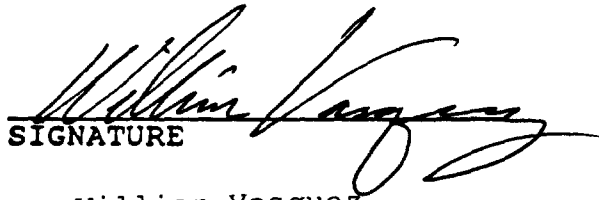
I, William Vasquez, hereby certify that I am authorized to sign and enter into this certification on behalf of the City of Bell Gardens and that I am authorized to make each of the representations set forth below.

Based on information provided below or attached to this certification, I certify that the City of Bell Gardens either disposed of municipal solid waste ("MSW") at the Operating Industries, Inc. Superfund site ("OII site") located in Monterey Park, California or contracted with a waste disposal service or transporter which I believe may have disposed of such materials at the OII site. I further certify that neither the nature and amount of such materials nor the toxicity of such materials disposed of at the OII site contributed disproportionately to the cumulative toxic or other hazardous effects of the hazardous substances at the Site.

Based on the information provided below or attached to this certification, I believe that the municipal solid waste referred to above may have contained one or more hazardous substances. By entering into this Certification, the City of Bell Gardens, does not admit liability under any state or federal statute, including the Comprehensive Environmental

Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq. Nothing in this Certification shall be construed as an admission of liability for any purpose whatsoever.

I hereby certify that I have made a good faith effort to search records in the possession or control of the City of Bell Gardens, to obtain all information which relates in any way to the ownership, operation, treatment, transportation and disposal of hazardous substances at the OII site. Based upon my review of such records and my inquiry of the person or persons who maintain such records, I certify that all information submitted with this certification is true, accurate and complete to the best of my knowledge, information and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


SIGNATURE

William Vasquez
PRINTED NAME

City of Bell Gardens
RESPONDENT

7100 South Garfield Ave.

Bell Gardens, CA 90201
ADDRESS

August 4, 1992
DATE

City Manager
TITLE

(310) 806-4500
TELEPHONE NUMBER

Certification for the City of Bell Gardens

In order to comply with the foregoing Certification requirements of the Administrative Order on Consent, the City of Bell Gardens submitted relevant documents to EPA under a cover letter dated April 14, 1992. A copy of the cover letter is attached hereto.

There were two sources for the documents submitted by the City of Bell Gardens to EPA. Those documents which begin with document control letter "P" were obtained from the plaintiffs in the Transportation Leasing action pursuant to a Local Rule 6 exchange of documents. Those documents which begin with document control letters "DC" originated from the files of the City of Bell Gardens. These documents were provided to the plaintiffs in the Transportation Leasing action in response to a document request from the plaintiffs.

In addition to the above-described documents, relevant pages of the following deposition transcripts taken in the Transportation Leasing action (the date following each individual's name indicates the date of the deposition) were submitted to EPA:

- (a) Maureen J. Holthe - October 30, 1990;
- (b) Johnny Bradford - April 25, 1991;
- (c) Jessie Conner - June 19, 1991;
- (d) Ron Arakelian, Sr. - August 29, 1990;
- (e) Charles Bell - February 14, 1991;
- (f) Augustin Uribe - October 11, 1990.

CERTIFICATION TO THE U.S. EPA
REGARDING THE OPERATING INDUSTRIES, INC. SITE SETTLEMENT
ADMINISTRATIVE ORDER ON CONSENT: US EPA DOCKET NO. 92-18

I, DAN WEBSTER, hereby certify that I am authorized to sign and enter into this certification on behalf of the City of Beverly Hills and that I am authorized to make each of the representations set forth below.

Based on information provided below or attached to this certification, I certify that the City of Beverly Hills either disposed of municipal solid waste ("MSW") at the Operating Industries, Inc. Superfund site ("OII site") located in Monterey Park, California or contracted with a waste disposal service or transporter which I believe may have disposed of such materials at the OII site. I further certify that neither the nature and amount of such materials nor the toxicity of such materials disposed of at the OII site contributed disproportionately to the cumulative toxic or other hazardous effects of the hazardous substances at the Site.

Based on the information provided below or attached to this certification, I believe that the municipal solid waste referred to above may have contained one or more hazardous substances. By entering into this Certification, the City of Beverly Hills, does not admit liability under any state or federal statute, including the Comprehensive Environmental

Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq. Nothing in this Certification shall be construed as an admission of liability for any purpose whatsoever.

I hereby certify that I have made a good faith effort to search records in the possession or control of the City of Beverly Hills, to obtain all information which relates in any way to the ownership, operation, treatment, transportation and disposal of hazardous substances at the OII site. Based upon my review of such records and my inquiry of the person or persons who maintain such records, I certify that all information submitted with this certification is true, accurate and complete to the best of my knowledge, information and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Dan Webster
SIGNATURE

Dan Webster
PRINTED NAME

City of Beverly Hills
RESPONDENT

455 North Rexford Drive
Beverly Hills, California 90210
ADDRESS

7/27/92
DATE
Director of Public Works
TITLE
310/285-2502
TELEPHONE NUMBER

Certification for the City of Beverly Hills

In order to comply with the foregoing Certification requirements of the Administrative Order on Consent, the City of Beverly Hills submitted relevant documents to EPA under a cover letter dated March 20, 1992. A copy of the cover letter is attached hereto.

There were two sources for the documents submitted by the City of Beverly Hills to EPA. Those documents which begin with document control letter "P" were obtained from the plaintiffs in the Transportation Leasing action pursuant to a Local Rule 6 exchange of documents. Those documents which begin with document control letters "DC" originated from the files of the City of Beverly Hills. These documents were provided to the plaintiffs in the Transportation Leasing action in response to a document request from the plaintiffs.

In addition to the above-described documents, relevant pages of the following deposition transcripts taken in the Transportation Leasing action (the date following each individual's name indicates the date of the deposition) were submitted to EPA:

- (a) Arthur Gonzales - August 23, 1990
- (b) James Whiting - November 16, 1990
- (c) Kenneth Palmer - November 29, 1990

CERTIFICATION TO THE U.S. EPA
REGARDING THE OPERATING INDUSTRIES, INC. SITE SETTLEMENT
ADMINISTRATIVE ORDER ON CONSENT: US EPA DOCKET NO. 92-18

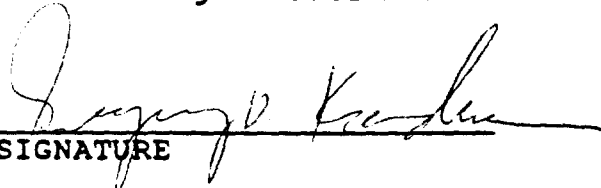
I, GREGORY D. KORDUNER, hereby certify that I am authorized to sign and enter into this certification on behalf of the City of El Monte and that I am authorized to make each of the representations set forth below.

Based on information provided below or attached to this certification, I certify that the City of El Monte either disposed of municipal solid waste ("MSW") at the Operating Industries, Inc. Superfund site ("OII site") located in Monterey Park, California or contracted with a waste disposal service or transporter which I believe may have disposed of such materials at the OII site. I further certify that neither the nature and amount of such materials nor the toxicity of such materials disposed of at the OII site contributed disproportionately to the cumulative toxic or other hazardous effects of the hazardous substances at the Site.

Based on the information provided below or attached to this certification, I believe that the municipal solid waste referred to above may have contained one or more hazardous substances. By entering into this Certification, the City of El Monte, does not admit liability under any state or federal statute, including the Comprehensive Environmental

Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq. Nothing in this Certification shall be construed as an admission of liability for any purpose whatsoever.

I hereby certify that I have made a good faith effort to search records in the possession or control of the City of El Monte, to obtain all information which relates in any way to the ownership, operation, treatment, transportation and disposal of hazardous substances at the OII site. Based upon my review of such records and my inquiry of the person or persons who maintain such records, I certify that all information submitted with this certification is true, accurate and complete to the best of my knowledge, information and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


SIGNATURE

GREGORY D. KORDUNER
PRINTED NAME

City of El Monte
RESPONDENT

11333 Valley Boulevard

El Monte, California 91731
ADDRESS

July 30, 1992
DATE

CITY ADMINISTRATOR
TITLE

(818) 580-2001
TELEPHONE NUMBER

Certification for the City of El Monte

In order to comply with the foregoing Certification requirements of the Administrative Order on Consent, the City of El Monte submitted relevant documents to EPA under a cover letter dated March 13, 1992. A copy of the cover letter is attached hereto.

There were two sources for the documents submitted by the City of El Monte to EPA. Those documents which begin with document control letter "P" were obtained from the plaintiffs in the Transportation Leasing action pursuant to a Local Rule 6 exchange of documents. Those documents which begin with document control letters "DC" originated from the files of the City of El Monte. These documents were provided to the plaintiffs in the Transportation Leasing action in response to a document request from the plaintiffs.

In addition to the above-described documents, relevant pages of the following deposition transcripts taken in the Transportation Leasing action (the date following each individual's name indicates the date of the deposition) were submitted to EPA:

- (a) John F. Romero - January 8, 1991
- (b) David Aldecua - August 22, 1990
- (c) Arthur Gonzales - August 23, 1990
- (d) Margarito Fernandez - July 22, 1991
- (e) Ron Arakelian, Sr. - August 29, 1990

CERTIFICATION TO THE U.S. EPA
REGARDING THE OPERATING INDUSTRIES, INC. SITE SETTLEMENT
ADMINISTRATIVE ORDER ON CONSENT: US EPA DOCKET NO. 92-18

I, Steven N. Skolnik, hereby certify that I am authorized to sign and enter into this certification on behalf of the City of Huntington Park and that I am authorized to make each of the representations set forth below.

Based on information provided below or attached to this certification, I certify that the City of Huntington Park either disposed of municipal solid waste ("MSW") at the Operating Industries, Inc. Superfund site ("OII site") located in Monterey Park, California or contracted with a waste disposal service or transporter which I believe may have disposed of such materials at the OII site. I further certify that neither the nature and amount of such materials nor the toxicity of such materials disposed of at the OII site contributed disproportionately to the cumulative toxic or other hazardous effects of the hazardous substances at the Site.

Based on the information provided below or attached to this certification, I believe that the municipal solid waste referred to above may have contained one or more hazardous substances. By entering into this Certification, the City of Huntington Park, does not admit liability under any state or federal statute, including the Comprehensive Environmental

Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq. Nothing in this Certification shall be construed as an admission of liability for any purpose whatsoever.

I hereby certify that I have made a good faith effort to search records in the possession or control of the City of
Huntington Park, to obtain all information which relates in any way to the ownership, operation, treatment, transportation and disposal of hazardous substances at the OII site. Based upon my review of such records and my inquiry of the person or persons who maintain such records, I certify that all information submitted with this certification is true, accurate and complete to the best of my knowledge, information and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Steven N. Skolnik
SIGNATURE

Steven N. Skolnik
PRINTED NAME

City of Huntington Park
RESPONDENT

2001 Wilshire Blvd. #600
Santa Monica, CA 90403
ADDRESS

July 10, 1992
DATE

City Attorney
TITLE

(310) 829-9843
TELEPHONE NUMBER

Certification for the City of Huntington Park

In order to comply with the foregoing Certification requirements of the Administrative Order on Consent, the City of Huntington Park submitted relevant documents to EPA under a cover letter dated March 31, 1992. A copy of the cover letter is attached hereto.

There were two sources for the documents submitted by the City of Huntington Park to EPA. Those documents which begin with document control letter "P" were obtained from the plaintiffs in the Transportation Leasing action pursuant to a Local Rule 6 exchange of documents. Those documents which begin with document control letters "DC" originated from the files of the City of Huntington Park. These documents were provided to the plaintiffs in the Transportation Leasing action in response to a document request from the plaintiffs.

In addition to the above-described documents, relevant pages of the following deposition transcripts taken in the Transportation Leasing action (the date following each individual's name indicates the date of the deposition) were submitted to EPA:

- (a) Robert Hart - April 19, 1991
- (b) Alex Rodriguez - February 26, 1991
- (c) James S. Jacob - February 28, 1991
- (d) Fred Garcia - May 6, 1991
- (e) Abel Garcia - April 22, 1991
- (f) Johnny Bradford - April 25, 1991
- (g) Michael Boston - October 8, 1991
- (h) Neil Poole - January 31, 1991

**CERTIFICATION TO THE U.S. EPA
REGARDING THE OPERATING INDUSTRIES, INC. SITE SETTLEMENT
ADMINISTRATIVE ORDER ON CONSENT: US EPA DOCKET NO. 92-18**

I, Louis R. Perez, hereby certify that I am authorized to sign and enter into this certification on behalf of the City of La Puente and that I am authorized to make each of the representations set forth below.

Based on information provided below or attached to this certification, I certify that the City of La Puente either disposed of municipal solid waste ("MSW") at the Operating Industries, Inc. Superfund site ("OII site") located in Monterey Park, California or contracted with a waste disposal service or transporter which I believe may have disposed of such materials at the OII site. I further certify that neither the nature and amount of such materials nor the toxicity of such materials disposed of at the OII site contributed disproportionately to the cumulative toxic or other hazardous effects of the hazardous substances at the Site.

Based on the information provided below or attached to this certification, I believe that the municipal solid waste referred to above may have contained one or more hazardous substances. By entering into this Certification, the City of La Puente, does not admit liability under any state or federal statute, including the Comprehensive Environmental

Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq. Nothing in this Certification shall be construed as an admission of liability for any purpose whatsoever.

I hereby certify that I have made a good faith effort to search records in the possession or control of the City of La Puente, to obtain all information which relates in any way to the ownership, operation, treatment, transportation and disposal of hazardous substances at the OII site. Based upon my review of such records and my inquiry of the person or persons who maintain such records, I certify that all information submitted with this certification is true, accurate and complete to the best of my knowledge, information and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



SIGNATURE

Louis R. Perez

PRINTED NAME
City of La Puente

RESPONDENT

15900 East Main Street

ADDRESS
La Puente, California 91744

July 20, 1992

DATE

Mayor

TITLE

(818) 330-4511

TELEPHONE NUMBER

Certification for the City of La Puente

In order to comply with the foregoing Certification requirements of the Administrative Order on Consent, the City of La Puente submitted relevant documents to EPA under a cover letter dated March 30, 1992. A copy of the cover letter is attached hereto.

There were two sources for the documents submitted by the City of La Puente to EPA. Those documents which begin with document control letter "P" were obtained from the plaintiffs in the Transportation Leasing action pursuant to a Local Rule 6 exchange of documents. Those documents which begin with document control letters "DC" originated from the files of the City of La Puente. These documents were provided to the plaintiffs in the Transportation Leasing action in response to a document request from the plaintiffs.

In addition to the above-described documents, relevant pages of the following deposition transcripts taken in the Transportation Leasing action (the date following each individual's name indicates the date of the deposition) were submitted to EPA:

- (a) David Aldecua - August 22, 1990
- (b) Arthur Gonzales - August 23, 1990
- (c) Ruth Watson - November 8, 1990
- (d) Frank Ruiz - November 21, 1990

CERTIFICATION TO THE U.S. EPA
REGARDING THE OPERATING INDUSTRIES, INC. SITE SETTLEMENT
ADMINISTRATIVE ORDER ON CONSENT: US EPA DOCKET NO. 92-18

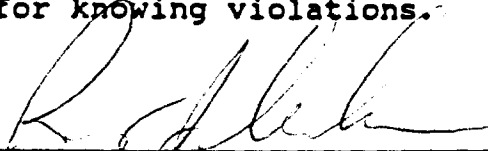
I, Robert J. Arthur, hereby certify that I am authorized to sign and enter into this certification on behalf of the City of Norwalk and that I am authorized to make each of the representations set forth below.

Based on information provided below or attached to this certification, I certify that the City of Norwalk either disposed of municipal solid waste ("MSW") at the Operating Industries, Inc. Superfund site ("OII site") located in Monterey Park, California or contracted with a waste disposal service or transporter which I believe may have disposed of such materials at the OII site. I further certify that neither the nature and amount of such materials nor the toxicity of such materials disposed of at the OII site contributed disproportionately to the cumulative toxic or other hazardous effects of the hazardous substances at the Site.

Based on the information provided below or attached to this certification, I believe that the municipal solid waste referred to above may have contained one or more hazardous substances. By entering into this Certification, the City of Norwalk, does not admit liability under any state or federal statute, including the Comprehensive Environmental

Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq. Nothing in this Certification shall be construed as an admission of liability for any purpose whatsoever.

I hereby certify that I have made a good faith effort to search records in the possession or control of the City of Norwalk, to obtain all information which relates in any way to the ownership, operation, treatment, transportation and disposal of hazardous substances at the OII site. Based upon my review of such records and my inquiry of the person or persons who maintain such records, I certify that all information submitted with this certification is true, accurate and complete to the best of my knowledge, information and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


SIGNATURE

Robert J. Arthur
PRINTED NAME

City of Norwalk
RESPONDENT

12700 Norwalk Blvd.
Norwalk, CA 90650
ADDRESS

July 8, 1992
DATE

Mayor
TITLE

(310) 929-2677
TELEPHONE NUMBER

Certification for the City of Norwalk

In order to comply with the foregoing Certification requirements of the Administrative Order on Consent, the City of Norwalk submitted relevant documents to EPA under a cover letter dated April 6, 1992. A copy of the cover letter is attached hereto.

There were two sources for the documents submitted by the City of Norwalk to EPA. Those documents which begin with document control letter "P" were obtained from the plaintiffs in the Transportation Leasing action pursuant to a Local Rule 6 exchange of documents. Those documents which begin with document control letters "DC" originated from the files of the City of Norwalk. These documents were provided to the plaintiffs in the Transportation Leasing action in response to a document request from the plaintiffs.

In addition to the above-described documents, relevant pages of the following deposition transcripts taken in the Transportation Leasing action (the date following each individual's name indicates the date of the deposition) were submitted to EPA:

- (a) George Telesio - June 6, 1991
- (b) John Enriquez - August 27, 1990
- (c) Kenneth Boyce - February 20, 1991

CERTIFICATION TO THE U.S. EPA
REGARDING THE OPERATING INDUSTRIES, INC. SITE SETTLEMENT
ADMINISTRATIVE ORDER ON CONSENT: US EPA DOCKET NO. 92-18

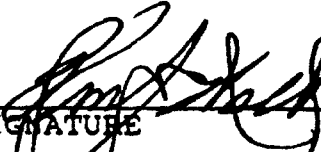
I, William A. Holt, hereby certify that I am authorized to sign and enter into this certification on behalf of the City of Paramount and that I am authorized to make each of the representations set forth below.

Based on information provided below or attached to this certification, I certify that the City of Paramount either disposed of municipal solid waste ("MSW") at the Operating Industries, Inc. Superfund site ("OII site") located in Monterey Park, California or contracted with a waste disposal service or transporter which I believe may have disposed of such materials at the OII site. I further certify that neither the nature and amount of such materials nor the toxicity of such materials disposed of at the OII site contributed disproportionately to the cumulative toxic or other hazardous effects of the hazardous substances at the Site.

Based on the information provided below or attached to this certification, I believe that the municipal solid waste referred to above may have contained one or more hazardous substances. By entering into this Certification, the City of Paramount, does not admit liability under any state or federal statute, including the Comprehensive Environmental

Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq. Nothing in this Certification shall be construed as an admission of liability for any purpose whatsoever.

I hereby certify that I have made a good faith effort to search records in the possession or control of the City of Paramount, to obtain all information which relates in any way to the ownership, operation, treatment, transportation and disposal of hazardous substances at the OII site. Based upon my review of such records and my inquiry of the person or persons who maintain such records, I certify that all information submitted with this certification is true, accurate and complete to the best of my knowledge, information and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


SIGNATURE

William A. Holt
PRINTED NAME

City of Paramount
RESPONDENT

16400 Colorado Ave
Paramount, CA 90223
ADDRESS

July 13, 1992
DATE

City Manager
TITLE

310-220-2222
TELEPHONE NUMBER

Certification for the City of Paramount

In order to comply with the foregoing Certification requirements of the Administrative Order on Consent, the City of Paramount submitted relevant documents to EPA under a cover letter dated March 16, 1992. A copy of the cover letter is attached hereto.

There were two sources for the documents submitted by the City of Paramount to EPA. Those documents which begin with document control letter "P" were obtained from the plaintiffs in the Transportation Leasing action pursuant to a Local Rule 6 exchange of documents. Those documents which begin with document control letters "DC" originated from the files of the City of Paramount. These documents were provided to the plaintiffs in the Transportation Leasing action in response to a document request from the plaintiffs.

In addition to the above-described documents, relevant pages of the following deposition transcripts taken in the Transportation Leasing action (the date following each individual's name indicates the date of the deposition) were submitted to EPA:

- (a) Raymond O. Rangel - October 9, 1991
- (b) Antonio J. Magana - December 3, 1990
- (c) John F. Romero - January 8, 1991

CERTIFICATION TO THE U.S. EPA
REGARDING THE OPERATING INDUSTRIES, INC. SITE SETTLEMENT
ADMINISTRATIVE ORDER ON CONSENT: US EPA DOCKET NO. 92-18

I, Keith R. Leal, hereby certify that I
am authorized to sign and enter into this certification on behalf
of the City of San Marino and that I am authorized to
make each of the representations set forth below.

Based on information provided below or attached to this
certification, I certify that the City of San Marino either
disposed of municipal solid waste ("MSW") at the Operating
Industries, Inc. Superfund site ("OII site") located in Monterey
Park, California or contracted with a waste disposal service or
transporter which I believe may have disposed of such materials
at the OII site. I further certify that neither the nature and
amount of such materials nor the toxicity of such materials
disposed of at the OII site contributed disproportionately to the
cumulative toxic or other hazardous effects of the hazardous
substances at the Site.

Based on the information provided below or attached to
this certification, I believe that the municipal solid waste
referred to above may have contained one or more hazardous
substances. By entering into this Certification, the City
of San Marino, does not admit liability under any state or
federal statute, including the Comprehensive Environmental

Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq. Nothing in this Certification shall be construed as an admission of liability for any purpose whatsoever.

I hereby certify that I have made a good faith effort to search records in the possession or control of the City of San Marino, to obtain all information which relates in any way to the ownership, operation, treatment, transportation and disposal of hazardous substances at the OII site. Based upon my review of such records and my inquiry of the person or persons who maintain such records, I certify that all information submitted with this certification is true, accurate and complete to the best of my knowledge, information and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Keith R. Till
SIGNATURE

KEITH R. TILL
PRINTED NAME

City of San Marino
RESPONDENT

2200 HUNTINGTON DRIVE
SAN MARINO, CA 91108
ADDRESS

JULY 13, 1992
DATE

CITY MANAGER
TITLE

(818) 300-0700
TELEPHONE NUMBER

Certification for the City of San Marino

In order to comply with the foregoing Certification requirements of the Administrative Order on Consent, the City of San Marino submitted relevant documents to EPA under a cover letter dated March 24, 1992. A copy of the cover letter is attached hereto.

There were two sources for the documents submitted by the City of San Marino to EPA. Those documents which begin with document control letter "P" were obtained from the plaintiffs in the Transportation Leasing action pursuant to a Local Rule 6 exchange of documents. Those documents which begin with document control letters "DC" originated from the files of the City of San Marino. These documents were provided to the plaintiffs in the Transportation Leasing action in response to a document request from the plaintiffs.

In addition to the above-described documents, relevant pages of the following deposition transcripts taken in the Transportation Leasing action (the date following each individual's name indicates the date of the deposition) were submitted to EPA:

- (a) Ron Arakelian, Jr. - December 5, 1990 and March 26, 1991
- (b) Ron Arakelian, Sr. - August 29, 1990
- (c) Virgil C. Nichols - November 7, 1990
- (d) Guillermo Rodriguez - September 5, 1990
- (e) Larry Kachaturian - March 5, 1991

**CERTIFICATION TO THE U.S. EPA
REGARDING THE OPERATING INDUSTRIES, INC. SITE SETTLEMENT
ADMINISTRATIVE ORDER ON CONSENT: US EPA DOCKET NO. 92-18**

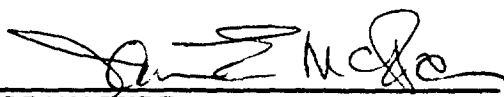
I, James E. McRea, hereby certify that I am authorized to sign and enter into this certification on behalf of the City of Sierra Madre and that I am authorized to make each of the representations set forth below.

Based on information provided below or attached to this certification, I certify that the City of Sierra Madre either disposed of municipal solid waste ("MSW") at the Operating Industries, Inc. Superfund site ("OII site") located in Monterey Park, California or contracted with a waste disposal service or transporter which I believe may have disposed of such materials at the OII site. I further certify that neither the nature and amount of such materials nor the toxicity of such materials disposed of at the OII site contributed disproportionately to the cumulative toxic or other hazardous effects of the hazardous substances at the Site.

Based on the information provided below or attached to this certification, I believe that the municipal solid waste referred to above may have contained one or more hazardous substances. By entering into this Certification, the City of Sierra Madre, does not admit liability under any state or federal statute, including the Comprehensive Environmental

Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq. Nothing in this Certification shall be construed as an admission of liability for any purpose whatsoever.

I hereby certify that I have made a good faith effort to search records in the possession or control of the City of
Sierra Madre, to obtain all information which relates in any way to the ownership, operation, treatment, transportation and disposal of hazardous substances at the OII site. Based upon my review of such records and my inquiry of the person or persons who maintain such records, I certify that all information submitted with this certification is true, accurate and complete to the best of my knowledge, information and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


SIGNATURE

James E. McRea
PRINTED NAME

City of Sierra Madre
RESPONDENT

232 W. Sierra Madre Blvd.

Sierra Madre, CA 91024-0457
ADDRESS

July 22, 1992
DATE

City Administrator
TITLE

(818) 355-7135
TELEPHONE NUMBER

Certification for the City of Sierra Madre

In order to comply with the foregoing Certification requirements of the Administrative Order on Consent, the City of Sierra Madre submitted relevant documents to EPA under a cover letter dated March 31, 1992. A copy of the cover letter is attached hereto.

There were two sources for the documents submitted by the City of Sierra Madre to EPA. Those documents which begin with document control letter "P" were obtained from the plaintiffs in the Transportation Leasing action pursuant to a Local Rule 6 exchange of documents. Those documents which begin with document control letters "DC" originated from the files of the City of Sierra Madre. These documents were provided to the plaintiffs in the Transportation Leasing action in response to a document request from the plaintiffs.

In addition to the above-described documents, relevant pages of the following deposition transcripts taken in the Transportation Leasing action (the date following each individual's name indicates the date of the deposition) were submitted to EPA:

- (a) John Laird - October 23, 1990
- (b) Bernard Nash - November 13, 1990 and November 14, 1990
- (c) Edward Osepian - September 4, 1990

CERTIFICATION TO THE U.S. EPA
REGARDING THE OPERATING INDUSTRIES, INC. SITE SETTLEMENT
ADMINISTRATIVE ORDER ON CONSENT: US EPA DOCKET NO. 92-18

I, Art Olmos, hereby certify that I am authorized to sign and enter into this certification on behalf of the City of South El Monte and that I am authorized to make each of the representations set forth below.

Based on information provided below or attached to this certification, I certify that the City of South El Monte either disposed of municipal solid waste ("MSW") at the Operating Industries, Inc. Superfund site ("OII site") located in Monterey Park, California or contracted with a waste disposal service or transporter which I believe may have disposed of such materials at the OII site. I further certify that neither the nature and amount of such materials nor the toxicity of such materials disposed of at the OII site contributed disproportionately to the cumulative toxic or other hazardous effects of the hazardous substances at the Site.

Based on the information provided below or attached to this certification, I believe that the municipal solid waste referred to above may have contained one or more hazardous substances. By entering into this Certification, the City of South El Monte, does not admit liability under any state or federal statute, including the Comprehensive Environmental

Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9601 et seq. Nothing in this Certification shall be construed as an admission of liability for any purpose whatsoever.

I hereby certify that I have made a good faith effort to search records in the possession or control of the City of South El Monte, to obtain all information which relates in any way to the ownership, operation, treatment, transportation and disposal of hazardous substances at the OII site. Based upon my review of such records and my inquiry of the person or persons who maintain such records, I certify that all information submitted with this certification is true, accurate and complete to the best of my knowledge, information and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


SIGNATURE

ARTHUR CAMOS
PRINTED NAME

City of South El Monte
RESPONDENT

1415 N. Santa Anita Avenue
South El Monte, Ca. 91733
ADDRESS

July 9, 1992
DATE

Mayor
TITLE

(818) 579-6540
TELEPHONE NUMBER

Certification for the City of South El Monte

In order to comply with the foregoing Certification requirements of the Administrative Order on Consent, the City of South El Monte submitted relevant documents to EPA under a cover letter dated March 26, 1992. A copy of the cover letter is attached hereto.

There were two sources for the documents submitted by the City of South El Monte to EPA. Those documents which begin with document control letter "P" were obtained from the plaintiffs in the Transportation Leasing action pursuant to a Local Rule 6 exchange of documents. Those documents which begin with document control letters "DC" originated from the files of the City of South El Monte. These documents were provided to the plaintiffs in the Transportation Leasing action in response to a document request from the plaintiffs.

In addition to the above-described documents, relevant pages of the following deposition transcripts taken in the Transportation Leasing action (the date following each individual's name indicates the date of the deposition) were submitted to EPA:

- (a) John F. Romero - January 8, 1991
- (b) Ron Arakelian, Sr. - August 29, 1990
- (c) Arthur Gonzales - August 23, 1990
- (d) David Aldecua - August 22, 1990
- (e) George Telesio - June 6, 1991
- (f) Steve Henley - March 4, 1991

EXHIBIT B



U.S. Department of Justice

Environment and Natural Resources Division

Office of the
Deputy Assistant Attorney General

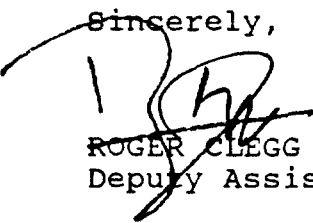
Washington, D.C. 20530

Mr. Daniel W. McGovern
Regional Administrator
United States Environmental
Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Dear Mr. McGovern:

Pursuant to Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9622(g), I have reviewed the proposed Administrative Order on Consent for the municipalities at the Operating Industries Inc., site in Monterey Park, California. Upon review, I concur with the issuance of the Order. Therefore, the proposed Administrative Order on Consent is approved.

Sincerely,


ROGER CLEGG
Deputy Assistant Attorney General